

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

PERRY LEWIS TURNER, SR.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:04CV213-P-A

**TUNICA COUNTY, MISSISSIPPI
and JAMES DUNN, in his individual
capacity**

DEFENDANTS

ORDER

This cause is before the Court on defendant Dunn's Motion for Summary Judgment [13]. The Court, having reviewed the motions, the response, the briefs of the parties, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

In accordance with the Memorandum Opinion entered contemporaneously herewith, the motion should be granted in part and denied in part.

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendant Dunn's Motion for Summary Judgment [134] should be, and hereby is, GRANTED IN PART and DENIED IN PART. IT IS FURTHER ORDERED that plaintiff's First Amendment claim against defendant Dunn is hereby DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED that plaintiff's remaining claims against defendant Dunn are to be adjudicated by a trial on the merits. IT IS FURTHER ORDERED that the stay imposed by the Magistrate on January 6, 2005 is hereby LIFTED. IT IS FURTHER ORDERED that the parties are to contact the assigned magistrate judge regarding the entry of an appropriate scheduling order within ten (10) days of the entry of this Order.

SO ORDERED, this the 22nd day of November, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE